

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 AID-05 CEA-01 CIAE-00 COME-00 EB-08
FRB-03 INR-10 NSAE-00 SP-02 STR-07 TRSE-00 LAB-04
SIL-01 OMB-01 DODE-00 DOTE-00 FMC-01 CG-00
DLOS-09 OES-07 /072 W
-----039671 011957Z /12

R 011804Z JUN 78
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 6987
ALL EC CAPITALS
INFO AMEMBASSY MOSCOW
USMISSION USNATO

C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 10684

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E.O.11652:GDS
TAGS: ETRN, EWWT, WTRD, EGEN, EEC
SUBJECT: PREVIEW OF JUNE 12 EC TRANSPORT COUNCIL MEETING:
MARITIME TRANSPORT PROPOSALS

REF: (A) 76 BRUSSELS 7772, (B) 77 BRUSSELS 1145,
(C) BRUSSELS 1908, (D) EC-A-17,
(E) BRUSSELS 7177, (F) EC-A-136,
(G) EC-A-173, (H) BRUSSELS 8741

1. SUMMARY: THERE ARE THREE PROPOSALS CONCERNING
MARITIME SHIPPING ON THE AGENDA OF THE EC TRANSPORT
COUNCIL MEETING (JUNE 12). EC COMMISSION SOURCES
INDICATE THAT THE PROSPECT FOR THE COUNCIL'S APPROVAL OF
THE THREE IS NOT FAVORABLE. SINCE MORE TIME IS NEEDED FOR
REACHING A CONSENSUS IN THESE COMPLEX AREAS, EC OFFICIALS
SPECULATE THAT SOME CONCRETE MEASURES MAY BE DECIDED WHEN
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THE EC TRANSPORT COUNCIL MEETS AGAIN IN NOVEMBER 1978.
END SUMMARY.

2. THIS MESSAGE SUMMARIZES THE THREE PROPOSALS CONCERNING
MARITIME SHIPPING ON THE AGENDA OF THE EC TRANSPORT
COUNCIL MEETING (JUNE 12) AND OUTLINES THE PROSPECT FOR
COUNCIL APPROVAL.

3. PROPOSAL FOR A COUNCIL RESOLUTION CONCERNING
ACCESSION TO THE UN CONVENTION ON A CODE OF CONDUCT
FOR LINER CONFERENCES

AS REPORTED PREVIOUSLY (REFS A, B, C, AND D), THE REGULATION WOULD REQUIRE THE MEMBER STATES TO RATIFY OR ACCEDE TO THE CODE OF CONDUCT SUBJECT TO THE RESULTS OF NEGOTIATIONS BY THE EC COMMISSION WITH OTHER OECD COUNTRIES ABOUT EXTENDING TO THEM THE PRINCIPLE OF CARGO ALLOCATION ON A COMMERCIAL BASIS, AND TO THE ADOPTION OF A REGULATION CONCERNING THE APPLICATION OF THE COMPETITION RULES TO LINER CONFERENCES (SEE ARTICLES 1 AND 5 OF TEXT AS REPORTED IN REF D).

PROSPECT: THERE APPEARS TO BE NO GENERAL AGREEMENT, AS OF NOW, ON A COMMUNITY APPROACH TO THE CODE. SPECIFICALLY, THERE IS NO CONSENSUS ON THE DEFINITION OF "CARGO ALLOCATION ON A COMMERCIAL BASIS." CONSEQUENTLY, THERE IS LITTLE LIKELIHOOD THAT THE ORIGINAL PROPOSAL WILL BE ACCEPTED BY THE EC TRANSPORT COUNCIL. EC OFFICIALS HOPE FOR SOME TYPE OF COUNCIL MANDATE SO THAT THEY CAN PROCEED TO EXPLORE THE ATTITUDES OF OTHER OECD MEMBERS ON THIS POINT (ARTICLE 5 OF REF D) AND WORK OUT A COMMUNITY APPROACH TO THE CODE, ACCEPTABLE BY ALL, FOR FINAL APPROVAL BY THE NEXT EC TRANSPORT COUNCIL IN NOVEMBER 1978 (UNDER THE GERMAN PRESIDENCY). IF THERE IS NO AGREEMENT ON A
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COMMUNITY APPROACH BY NOVEMBER, EC SOURCES SPECULATE THAT FRANCE, GERMANY AND BELGIUM WILL RENEW THEIR EARLIER INTENTIONS (SEE REFS A AND B) TO RATIFY THE CODE WITHOUT THE COORDINATION OF THE EC COMMISSION AND THE OTHER MEMBER STATES.

4. PROPOSAL FOR A COUNCIL DECISION CONCERNING THE
ACTIVITIES OF CERTAIN STATE-TRADING COUNTRIES IN CARGO
LINER SHIPPING

THE ORIGINAL COMMISSION PROPOSAL AS REPORTED (REFS E AND F) HAS SINCE BEEN MODIFIED INTO TWO DECISIONS FOR THE TRANSPORT COUNCIL. THE FIRST DECISION INVOLVES A "GENERALIZATION" OF THE ORIGINAL PROPOSAL TO PROVIDE THE COUNCIL WITH THE POWER TO INSTITUTE MONITORING SYSTEMS OPERATED BY THE MEMBER STATES AND TO COORDINATE ANY COUNTER-MEASURES BY THE MEMBER STATES IN RESPECT TO ALL CARGO LINER OPERATORS SERVING EC PORTS (DELETING ALL SPECIFIC REFERENCES TO STATE TRADING COUNTRIES). THE SECOND DECISION IS TO APPLY THESE "GENERALIZED" PROVISIONS TO SOVIET LINER SHIPPING AT EC PORTS IN ORDER TO ASCERTAIN WHETHER OR NOT THIS SOVIET "THREAT" IS SIGNIFICANT ENOUGH

TO REQUIRE COUNTERMEASURES BY THE MEMBER STATES IN
COORDINATION WITH THE COUNCIL.

PROSPECT: THE LIKELIHOOD OF THE COUNCIL APPROVING THE TWO
DECISIONS IS UNCERTAIN BECAUSE OF FRENCH RESISTANCE. IT

SEEMS THAT THE FRENCH DO NOT WANT IT TO APPEAR AS IF THE
EC IS SINGLING OUT THE SOVIET UNION FOR PARTICULAR
SCRUTINY IN LINER SHIPPING.

5. EC MEASURES CONCERNING INTERNATIONAL ACTION ON

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DLOS-09 OES-07 /072 W

-----039680 011958Z /12

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C O N F I D E N T I A L SECTION 02 OF 02 BRUSSELS 10684

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POLLUTION, SAFETY, AND NAVIGATION REGULATIONS FOR
SHIPS
AS REPORTED EARLIER (REFS G AND H) THE COUNCIL WILL
CONSIDER DRAFT DECISIONS DEFINING THE TERMS OF COORDINATED
ACTION BY THE MEMBER STATES FOR THE SWIFT RATIFICATION OF
THE FOLLOWING INTERNATIONAL MARITIME CONVENTIONS (UNDER
THE AUSPICES OF THE INTERNATIONAL MARITIME CONSULTATIVE
ORGANIZATION - IMCO):
- THE MARPOL CONVENTION OF 1973 AND ITS 1978 PROTOCOL -
DEALS WITH DANGEROUS SUBSTANCES AND WASTES CARRIED BY
SHIPS
- THE SOLAS CONVENTION OF 1974 AND ITS 1978 PROTOCOL -

DEALS WITH SAFETY AND NAVIGATION REGULATION FOR SHIPS
- CONVENTION NO. 147 OF THE INTERNATIONAL LABOR ORGANIZA-
TION (ILO) - DEALS WITH MINIMUM SAFETY AND LABOR
PROVISIONS FOR MERCHANT SHIPS.
PROSPECT: EC SOURCES EXPECT A COUNCIL RECOMMENDATION
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(RECOMMENDATIONS ARE NOT BINDING ON THE MEMBER STATES),
AT THE VERY LEAST, TO THE MEMBER STATES FOR THEIR
RATIFICATION OF THESE THREE INTERNATIONAL CONVENTIONS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MARINE TRANSPORTATION, MARITIME MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 01 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BRUSSE10684
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780229-1228
Format: TEL
From: BRUSSELS USEEC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197806109/aaaadplb.tel
Line Count: 185
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8eaac97d-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 BRUSSELS 7772, 77 BRUSSELS 1145, 78 BRUSSELS 1908, 78 BRUSSELS 7177
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 18 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2167260
Secure: OPEN
Status: NATIVE
Subject: PREVIEW OF JUNE 12 EC TRANSPORT COUNCIL MEETING: MARITIME TRANSPORT PROPOSALS
TAGS: ETRN, EWWT, ETRD, EGEN, EEC
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/8eaac97d-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014